

wherein the seat defines a seat position, the steering device defines a steering position, and the forward portions of the sideboards define a footrest position,

wherein a line passing through the seat position and the steering position forms angle  $\alpha$  with a line passing through the seat position and the footrest position;

wherein a line passing through the footrest position and the steering position forms angle  $\beta$  with the line passing through the footrest position and the seat position,

wherein the line passing through the footrest position and the steering position forms angle  $\gamma$  with the line passing through the steering position and the seat position, and

wherein angle  $\alpha$ , angle  $\beta$ , and satisfy the relationship  $\alpha \approx 2.5\gamma$ .

83. (Unamended) The snowmobile of any one of claims 77 to 82 further comprising:  
right and left toe-holds disposed respectively above the forward portion of  
each sideboard for allowing the rider to releasably secure himself to the snowmobile.

#### REMARKS

Claims 1-82 have been amended and no claims have been canceled. As a result, claims 1-83 remain pending.

Before responding to the specific rejections set forth by the Examiner, Applicants' attorney would like to thank the Examiner for the courtesies extended during the interview conducted on May 15, 2000.

In the Office Action of March 22, 2000, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. Applicants respond to each of those objections, as set forth below.

First, the Examiner required that the toeholds recited in claims 63, 73, and 83 be shown in the drawings. In response, Applicants add toeholds 145 to FIGS. 2 and 3. In support of this change to the drawings, Applicants respectfully direct the Examiner's attention to page 10, lines 6-7, where the specification points out that, under normal operating conditions, the rider's feet 146 will rest on a forward portion of the sideboards. The specification describes that, preferably, toeholds (145) are disposed above these forward portions and permit the rider to releasably secure himself to the vehicle. In addition, those skilled in the art would understand that the toeholds are located above the position of the rider's toes during operation of the vehicle. Since the location of the toeholds was previously described in words, and since those skilled in the art would understand where the toe holds are located, Applicants believe that insertion of the location of toeholds 145 into the drawings does not add new matter to the application.

The Examiner's second objection to the drawings focuses on the angular position of the steering shaft. Specifically, the Examiner stated that the drawings do not show the steering shaft positioned over the engine at an angle of less than 45 degrees from vertical. The Examiner pointed out that that FIG. 3 shows the angle, but not the engine. The Examiner also pointed out that FIG. 14 shows the engine under the steering shaft having an angle of more than 45 degrees from vertical.

Applicants respectfully submit that the claimed recitation of the steering shaft being disposed over the engine at an angle less than about 45 degrees from vertical is appropriately illustrated in the drawings. To clarify this, however, Applicants have added an indication of the engine to FIG. 3. Moreover, Applicants have amended FIG. 14 to correctly identify that the angle is measured from the vertical, not the horizontal as was previously indicated.

In support of these changes, Applicants direct the Examiner's attention to page 4, lines 32-34, of the specification where the angular relationship between the steering shaft and the engine is described.

A steering shaft is operatively connected to the at least one ski for steering the snowmobile. The steering shaft is disposed over the engine at an angle  $\varepsilon$  of less than about  $45^\circ$  from vertical. More preferably, angle  $\varepsilon$  is between about  $25$  and  $40^\circ$  from vertical. Even more preferably, angle  $\varepsilon$  is between about  $30$  and  $35^\circ$  from vertical. Most preferably, angle  $\varepsilon$  is about  $33^\circ$  from vertical.

In view of this description, Applicants respectfully submit that the drawing changes proposed do not add new matter to this application.

Third, in paragraph 2 of the Office Action, the Examiner objected to FIG. 4, finding that the position of the handlebar is inconsistent with the position illustrated in FIGS. 2 and 3. The Examiner pointed out that the steering handlebars are shown so far forward that they almost touch the windshield. The Examiner, therefore, found that it would be impossible for the handlebars in FIG. 2 to reach the  $90$  degree turn angle shown in FIG. 4 because there is insufficient space behind the windshield.

Applicants respectfully point out to the Examiner that there is no requirement that the drawings of the invention be detailed engineering drawings that show the exact relationship between the elements shown. Instead, the drawings are meant to be exemplary of the teachings of the present invention.

Applicants also point out that the positioning of the handlebars in FIGS. 2 and 3 is illustrative of the improved positioning of the rider that is one of the aspects of the present invention. The location of the windshield position was meant to be illustrative of degree to which the location of the rider had changed from the prior art. However, Applicants realize that this has caused confusion. So that FIGS. 2 and 3 are consistent with FIG. 4, Applicants have redrawn the windshield. Since the

positioning of the windshield was originally shown in FIG. 4, Applicants point out that the redrafting of FIGS. 2 and 3 does not add new matter.

Fourth, in paragraph 3 of the Office Action, the Examiner objected to FIG. 1 because it is not labeled "PRIOR ART." Applicants have added the label "PRIOR ART" to FIG. 1 and believe that they have addressed the Examiner's objection.

### **Rejection Under 35 U.S.C. § 101**

In the Office Action, the Examiner rejected claims 1-49, 54-58, 61, 64-68, and 77-83 under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicants respectfully disagree and, therefore, traverse the Examiner's rejection.

Applicants point out that the mere inclusion of a person in the claims does not render the claims as non-statutory subject matter. Applicants respectfully point out that a person is not being claimed here. Instead, the claims are directed to a snowmobile, which is undeniably statutory subject matter.

While the claims define certain aspects of the snowmobile in relation to a rider, Applicants point out that the rider claimed is a "standard rider," one which is defined in the specification and drawings. As a result, the standard rider may be likened to a measuring device such as ruler. It is entirely appropriate to claim a distance between two points in a claim even though a ruler is needed to measure that distance. By analogy, the standard rider is like a human measuring device, the dimensions of which define the structure of the snowmobile.

Applicants are mindful of the Examiner's caution that riders can differ in stature from one another. It is for this reason that Applicants defined a standard rider in FIGS. 19-20 and is for this reason that the standard rider is now claimed. Applicants believe that the definition of a standard rider in this application addresses

the Examiner's concerns. Applicants, therefore, respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 101.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

At paragraph 5 of the Office Action, the Examiner rejected claims 1-58, 60-61, and 64-83 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully disagree and address each of the specific points raised by the Examiner in the paragraphs that follow.

First, the Examiner stated that claims 1-58, 60-61, and 64-83 are indefinite because they recite elements, the position of which are defined in relationship to portions of a human being or "rider" whose build can differ from one rider to the next. While one rider's build can differ from that of another, Applicants respectfully point out that they defined a standard rider in FIGS. 19-20 and that the claims now recite that standard rider. Accordingly, Applicants believe that the Examiner's rejection under 35 U.S.C. § 112, second paragraph, has been addressed. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

The Examiner also rejected claims 1, 2-43, 45-53, 55-57, 64-80, and 82 because of the use of the word "about" before the claimed range. Applicants respectfully point out that "about" is used in according to its ordinary meaning. Specifically, the term "about" is meant to encompass within the claimed ranges values that are not numerically within the range but would be understood by those skilled in the art to fall within the claimed ranges due to rounding, etc.

While Applicants disagree with the Examiner's rejection, Applicants have removed the word "about" from the claims. Applicants caution, however, that they do

not intend for the removal of this qualifier to exclude from the claimed ranges those numbers that those skilled in the art would understand to fall within the ranges, for example, due to rounding, etc. The Examiner's rejection having been addressed, Applicants respectfully request that the Examiner withdraw the rejection.

### **Rejection Under 35 U.S.C. § 102(b)**

At paragraph 6 of the Office Action, the Examiner rejected claims 40, 41, 44-49, 63, 69-76 and 81-83 under 35 U.S.C. § 102(b) as anticipated by Yasui et al. (U.S. Patent No. 4,848,503). Claims 40, 41, 44-46, and 81-83 concern the relationship of angles  $\alpha$ ,  $\beta$ , and  $\gamma$  to one another. Claims 63 and 69-76, concern the positioning of the steering device in relation to the toeholds. Applicants respectfully submit that Yasui et al. does not anticipate either group of claims.

With respect to claims 40, 41, 44-46, and 81-83, Yasui et al. describes a small-scale snowmobile. Since Applicant's have amended the claims to recite that they apply to a snowmobile that carries a standard rider, Yasui et al. does not recite each and every feature of the claimed invention. As a result, Yasui et al. cannot anticipate any of the claims.

Before addressing the rejection of claims 63 and 69-76, Applicants respectfully point out that the objection to the drawings, specifically as it relates to the toe-holds, has been addressed.

Applicants respectfully point out that Yasui et al. does not anticipate claims 63 and 69-76. Yasui et al. describes a snowmobile with side boards onto which the rider may position his or her feet. However, there is no description of right and left toe-holds above the forward portion of each sideboard for allowing the rider to releasably

secure himself to the snowmobile. Instead, it appears that the snowmobile illustrated in Yasui et al. has no toe-holds whatsoever. Moreover, Yasui et al. is directed to a small-scale snowmobile and not one suitable for a standard rider. Since it does not describe each and every feature of claims 63 and 69-76, Yasui et al. cannot anticipate those claims. As a result, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102(b).

At paragraph 8 of the Office Action, the Examiner also rejected claims 50, 51, and 54-56 under 35 U.S.C. § 102(b) as anticipated by Marier et al. (U.S. Patent No. 5,660,245). Applicants respectfully disagree.

Marier et al. illustrates a snowmobile where the measured angle of the steering shaft is exactly 45° from vertical. It neither describes nor suggests that the angle of the steering column might be different from the one shown. Therefore, Marier et al. does not describe each and every detail of claims 50, 51, and 54-56. Since it does not describe each and every feature of those claims, it cannot anticipate them. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. § 102(b).

At paragraph 9 of the Office Action, the Examiner rejected claims 50-53 under 35 U.S.C. § 102(b) as anticipated by Yoshioka et al. (U.S. Patent No. 5,474,146). Yoshioka et al., however, does not show a snowmobile with two skis. Instead, Yoshioka et al. shows a motorcycle-type snow vehicle with a single forward ski. Since Yoshioka et al. does not describe each and every element of claims 50-53, it cannot anticipate those claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

At paragraph 10 of the Office Action, the Examiner rejected claims 59-61 as anticipated by Hustead (U.S. Patent No. 4,204,581). Unlike the presently-claimed

invention, Hustead shows a snowfoil ski-bob with the engine disposed behind the seat. Therefore, Hustead does not show or describe each and every feature of the invention as recited by claims 59-61. Accordingly, Hustead cannot anticipate claims 59-61. As a result, Applicants respectfully request that the withdraw this rejection.

At paragraph 11 of the Office Action, the Examiner rejected claim 62 under 35 U.S.C. § 102(b) as anticipated by Karpik (U.S. Patent No. 5,370,198). Since claim 62 has been canceled, Applicants respectfully point out that the Examiner's rejection has been rendered moot. Applicants, therefore, respectfully request that the rejection be withdrawn.

#### **Rejection Under 35 U.S.C. § 103(a)**

In paragraph 13 of the Office Action, the Examiner rejected claims 42 and 43 under 35 U.S.C. § 103(a) as unpatentable over Yasui et al. Applicants respectfully point out, however, that Yasui et al. is directed to a small-scale snowmobile. Accordingly, the positioning of the rider (e.g., a child) in no way renders obvious the positioning of a standard rider (e.g., an adult). As a result, Applicants respectfully request that this rejection be withdrawn.



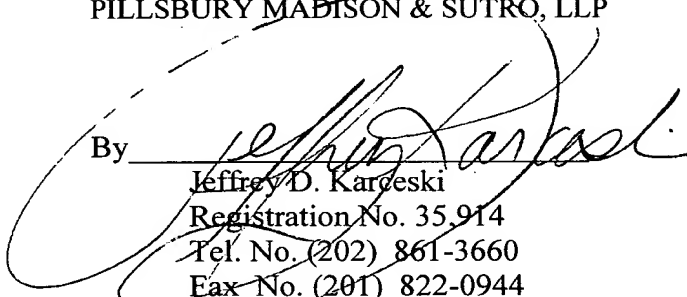
If there are any fees due in connection with the filing of this response that are not otherwise accounted for, please charge our Deposit Account No. 03-3975 under Order No. 09919/0265136.

Respectfully submitted,

PILLSBURY MADISON & SUTRO, LLP



By

  
Jeffrey D. Kargeski  
Registration No. 35,914  
Tel. No. (202) 861-3660  
Fax No. (201) 822-0944

JDK:tlm

1100 New York Avenue, N.W.  
Ninth Floor, East Tower  
Washington, D.C. 20005  
Tel. No. (202) 861-3000